

Memorandum on Improving Spectrum Management for the 21st Century November 29, 2004

Memorandum for the Heads of Executive Departments and Agencies

Subject: Improving Spectrum Management for the 21st Century

In May 2003, I established the Spectrum Policy Initiative to promote the development and implementation of a U.S. spectrum management policy for the 21st century. This initiative will foster economic growth; promote our national and homeland security; maintain U.S. global leadership in communications technology; and satisfy other vital U.S. needs in areas such as public safety, scientific research, Federal transportation infrastructure, and law enforcement.

The existing legal and policy framework for spectrum management has not kept pace with the dramatic changes in technology and spectrum use. Under the existing framework, the Federal Government generally reviews every change in spectrum use. This process is often slow and inflexible and can discourage the introduction of new technologies. Some spectrum users, including Government agencies, have argued that the existing spectrum process is insufficiently responsive to the need to protect current critical uses.

As a result, I directed the Secretary of Commerce to prepare recommendations for improving spectrum management. The Secretary of Commerce then established a Federal Government Spectrum Task Force and initiated a series of public meetings to address improvements in policies affecting spectrum use by the Federal Government, State, and local governments, and the private sector. The recommendations resulting from these activities were included in a two-part series of reports released by the Secretary of Commerce in June 2004, under the title *Spectrum Policy for the 21st*

Century—The President's Spectrum Policy Initiative (Reports).

Therefore, to the extent permitted by law and within existing appropriations, I hereby direct the heads of executive departments and agencies (agencies) to implement the recommendations in the Reports as follows:

Section 1. Office of Management and Budget.

Within 6 months of the date of this memorandum, the Office of Management and Budget (OMB) shall provide guidance to the agencies for improving capital planning and investment control procedures to better identify spectrum requirements and the costs of investments in spectrum-dependent programs and systems. Within 1 year of the date of this memorandum, agencies shall implement methods for improving capital planning and investment control procedures consistent with the OMB guidance, including making any modifications to agency capital planning procedures necessary to ensure greater consideration of more efficient and cost-effective spectrum use.

Section 2. Other Executive Departments and Agencies.

(a) Within 1 year of the date of this memorandum, the heads of agencies selected by the Secretary of Commerce shall provide agency-specific strategic spectrum plans (agency plans) to the Secretary of Commerce that include: (1) spectrum requirements, including bandwidth and frequency location for future technologies or services; (2) the planned uses of new technologies or expanded services requiring spectrum over a period of time agreed to by the selected agencies; and (3) suggested spectrum efficient approaches to meeting identified spectrum requirements. The heads of agencies shall update their agency plans biennially. In addition, the heads of agencies will implement a formal process

to evaluate their proposed needs for spectrum. Such process shall include an analysis and assessment of the options available to obtain the associated communications services that are most spectrum-efficient and the effective alternatives available to meet the agency mission requirements. Heads of agencies shall provide their analysis and assessment to the National Telecommunications and Information Administration (NTIA) for review when seeking spectrum certification from the NTIA.

(b) Within 6 months of the date of this memorandum, the Secretary of Homeland Security, in coordination with the Secretary of Commerce and, as appropriate, the Chairman of the Federal Communications Commission, and considering the views of representatives from: (1) the public safety community, (2) State, local, tribal, and regional governments; and (3) the private sector, shall identify public safety spectrum needs.

(c) Within 1 year of the date of this memorandum, the Secretary of Homeland Security, in consultation with the Secretary of Commerce, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, the Attorney General, the Secretaries of State, Defense, Transportation, Agriculture, and the Interior, the heads of other appropriate agencies, and, as appropriate, the Chairman of the Federal Communications Commission, shall develop a comprehensive plan, the Spectrum Needs Plan, to address issues related to communication spectrum used by the public safety community, as well as the continuity of Government operations. The Spectrum Needs Plan shall be submitted to the President through the Assistant to the President for Homeland Security, in coordination with the Assistant to the President for Economic Policy and other relevant components of the Executive Office of the President.

Section 3. Department of Commerce.

(a) Within 6 months after receiving the agency plans developed in section 2(a) of this memorandum, the Secretary of Commerce shall integrate the agency plans and Spectrum Needs Plan, based upon a Department of Commerce framework, into a Federal Strategic Spectrum Plan and shall assist in the formulation of a National Strategic Spectrum Plan. The Secretary of Commerce, in consultation with the Chairman of the Federal Communications Commission, as appropriate, shall update the National Strategic Spectrum Plan on a biennial basis thereafter.

(b) Within 1 year of the date of this memorandum, the Secretary of Commerce, in coordination with other relevant Federal agencies identified by the Secretary, shall develop a plan for identifying and implementing incentives that promote more efficient and effective use of the spectrum while protecting national and homeland security, critical infrastructure, and Government services.

(c) Within 6 months of the date of this memorandum, the Secretary of Commerce shall establish a plan for the implementation of all other recommendations included in the Reports. Not more than 1 year from the date of this memorandum, the Secretary of Commerce shall provide to the President a report describing the progress on implementing the recommendations in the Reports. The report shall include a section prepared by the Secretary of Homeland Security that describes the progress made with respect to public safety spectrum issues. This report shall be updated on an annual basis, until completion of the actions required by this memorandum. The heads of agencies shall provide the Secretary of Commerce and the Secretary of Homeland Security with any assistance or information required in the preparation of the annual report.

(d) The plans in sections 3(a)–(c) and the annual report developed in section 3(c) of this memorandum shall be submitted to the President through the Assistant to the

President for Economic Policy, in coordination with the Assistant to the President for National Security Affairs and other relevant components of the Executive Office of the President.

(e) As appropriate, the Secretary of Commerce and heads of other agencies shall consult with the Chairman of the Federal Communications Commission regarding the implementation of the recommendations in the Reports.

Section 4. General.

(a) Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This memorandum is intended only to improve the internal management of the

Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the United States, its departments, agencies, entities, instrumentalities, its officers or employees, or any other person.

(c) This order shall be implemented in a manner consistent with existing statutes, treaties, Executive Agreements, and Executive Orders affecting the operation of any of the departments, agencies, or instrumentalities of the Federal Government.

GEORGE W. BUSH

NOTE: This memorandum was released by the Office of the Press Secretary on November 30.

Letter to Congressional Leaders Transmitting an Alternative Plan for the Locality Pay Increase for Civilian Federal Employees November 29, 2004

Dear Mr. Speaker: (Dear Mr. President:)

I am transmitting an alternative plan for the locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005.

Under title 5, United States Code, civilian Federal employees covered by the GS and certain other pay systems would receive a two-part pay increase in January 2005: (1) a 2.5 percent across-the-board increase in scheduled rates of basic pay derived from Employment Cost Index data on changes in the wages and salaries of private industry workers, and (2) a locality pay increase based on Bureau of Labor Statistics' salary surveys of non-Federal employers in each locality pay area, which would average about 10.6 percent for eligible employees. Including increases for blue-collar and other workers, the total

Federal employee pay increase would cost about 11.2 percent of payroll in calendar year 2005. For Federal employees covered by the GS locality pay system, the overall average pay increase would be about 13.1 percent, far higher than the 1.5 percent total pay increase I proposed in my Fiscal Year 2005 budget.

For the reasons described below, I have determined that it is appropriate to exercise my statutory alternative plan authority to limit the January 2005 GS locality pay increase.

A national emergency has existed since September 11, 2001, which now includes Operation Enduring Freedom (in Afghanistan) and Operation Iraqi Freedom. Full statutory civilian locality pay increases averaging 10.6 percent in 2005 would divert resources from and interfere with our Nation's ability to fight the war on terror, with